

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOSEPH L. WESTBROOKS

PLAINTIFF

V.

NO. 4:15CV30-DMB-JMV

JENIFER WHITE, ET AL.

DEFENDANTS

ORDER DENYING MOTION FOR RECONSIDERATION

Before the Court is Plaintiff's motion for reconsideration of the Court's May 20, 2015, memorandum opinion and final judgment dismissing the instant case for failure to state a claim upon which relief could be granted.

A *pro se* litigant's motion for reconsideration is interpreted as a motion to amend judgment under Federal Rule of Civil Procedure 59(e) under the liberal standard set forth in *Haines v. Kerner*, 404 U.S. 519 (1972). Under Rule 59(e), an order may grant relief when: (1) there has been an intervening change in the controlling law, (2) the movant presents newly discovered evidence that was previously unavailable, or (3) a manifest error of law or fact must be corrected. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003).

Here, Plaintiff claims that Defendants violated his right to due process by failing to follow state statutes and administrative rules when adjudicating an action against him for violating prison rules. The Court dismissed the case under *Sandin v. Conner*, 515 U.S. 472 (1995), because Plaintiff's punishment—a reduction in custody classification—was not severe enough to trigger due process protections. In the present motion, Plaintiff simply reiterates the arguments previously set forth in his complaint, which the Court has already rejected. Thus, Plaintiff has neither asserted nor proven any of the justifications to amend the Court's judgment under Rule

59(e). Plaintiff's motion [10] for reconsideration is therefore **DENIED**.

SO ORDERED, this 3rd day of September, 2015.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE